

### **REMARKS/ARGUMENTS**

The Office Action mailed August 12, 2008 has been carefully reviewed and this paper is responsive thereto. Claims 2-8, 10-12, 14 and 33-43 are pending. Claims 2-8, 10-12, 14, 33-43 stand rejected under 35 U.S.C. § 101.

#### **Claim Rejections Under 35 U.S.C. § 101**

Claims 2-8, 10-12, 14, 33-43 are rejected under 35 U.S.C. § 101 as having no tie to any machine, article of manufacture or a composition of matter.

Independent claims 2, 33, and 38 have been amended to claim to an apparatus comprising “a computer implemented method.” On page 2, the Office Action states that “a claimed process must contain a sufficient tie to a machine, article of manufacturer or composition of matter.” Applicants respectfully submit that the process of independent claims 2, 33, and 38 are tied to an apparatus. For example, at least the following method feature (found in each of the independent claims) links to a computer device “computing using a processor . . . .”

For at least this reason, Applicants submit that independent claims 2, 33, and 38 and dependent claims 3-8, 10-12, 14, 34-37, and 39-43 are in compliance with 35 U.S.C. § 101. Accordingly, withdrawal of this ground of rejection is respectfully submitted.

#### **Allowable Subject Matter**

Claims 2 and 33-43 were indicated as being allowable in the Office Action dated January 9, 2008 (Office Action dated January 9, 2008, pg. 9). Applicants respectfully submit that because claims 2, 33, and 38 have been amended to overcome the § 101 rejection, these claims should be deemed allowable. Additionally, claims 3-8, 10-12, and 14 depend from independent claim 2, and therefore are believed to be allowable for at least the reasons supporting the allowability of claim 2.

All rejections having been addressed, Applicants respectfully submits that the pending claims are in condition for allowance. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,

Dated: November 20, 2008

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